

Leslie Silverstein
9 Canata Drive
Cromwell, CT 06416

**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

State of Connecticut
Department of Public Health

vs.

Leslie Silverstein, LPN
Licensed Practical Nurse License No. 024448
Respondent.

CASE PETITION NO. 950417-11-009

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health and Addiction Services¹ (hereinafter the "Department") with a Statement of Charges dated June 16, 1995 (Department Exhibit 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Leslie Silverstein (hereinafter the "Respondent") which would subject the Respondent's Licensed Practical Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

The Board issued a Notice of Hearing dated July 12, 1995, scheduling a hearing for October 17, 1995. The hearing scheduled for October 17, 1995 was continued at the Respondent's request. (Department Exhibit 1) The hearing was rescheduled and took place on January 17, 1996, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

¹ Prior to July 1, 1995, the Department of Public Health was known as the Department of Public Health and Addiction Services. (Connecticut Public Act No. 95-257)

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record and the Board's specialized professional knowledge in evaluating the evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Leslie Silverstein, hereinafter referred to as the Respondent, was issued Licensed Practical Nurse License Number 024448 on June 4, 1992. The Respondent was the holder of said license at all times referenced in the Statement of Charges. (Department Exhibit 1-C)
2. Pursuant to the General Statutes of Connecticut, §4-182(c), the Respondent was provided full opportunity prior to the institution of agency action to show compliance with all lawful requirements for the retention of her license. (Department Exhibit 1)
3. The Respondent was given due notice of the hearing and charges against her. The Statement of Charges and Notice of Hearing were delivered to the Respondent's Attorney by certified mail. Notice of Continuance of Formal Hearing was delivered to the Respondent by certified mail. (Department Exhibit 1)
4. The Respondent was present during the hearing and was represented by counsel. (Hearing Transcript, January 17, 1996, p. 2)
5. The Respondent submitted a written answer to the Statement of Charges. (Respondent's Exhibit A-1)
6. Beginning on or about 1992, the Respondent was employed as a licensed practical nurse at Hartford Hospital, Hartford, Connecticut. (Department Exhibit 1-A4)

7. During April and May 1994, while working as a licensed practical nurse at Hartford Hospital the Respondent diverted for her own personal use the controlled substance Demerol. (Department Exhibits 1-A4, 1-B5) (Respondent's Exhibit A-1) (Hearing Transcript, January 17, 1996, pp. 46-48)
8. During April and May 1994, while working as a licensed practical nurse at Hartford Hospital the Respondent accomplished the diversion of Demerol by falsifying controlled substance proof of use sheets. The Respondent signed out doses of Demerol for patients who had not requested the medication and kept the Demerol for her own use. In addition, the Respondent fraudulently recorded on proof of use sheets that doses of Demerol which she diverted had been wasted or dropped. (Department Exhibit A) (Respondent's Exhibit A-1)
9. The Respondent while on duty as a licensed practical nurse at Hartford Hospital, self-administered Demerol which she had diverted. (Hearing Transcript, January 17, 1996, p. 91)
10. The Respondent has a history of alcohol abuse and drug abuse, inclusive of the substances Cocaine and Heroin. The Respondent received in-patient substance abuse treatment on or about 1988. (Respondent's Exhibit B, under seal)
11. Beginning on or about May 14, 1994, the Respondent underwent chemical dependency treatment at The BlueRidge Center, Bloomfield, Connecticut. The Respondent has been receiving individual therapy for chemical dependency since September 1994 and has been participating in Narcotics Anonymous. (Respondent's Exhibit A-3, A-6, B under seal)
12. From 1995 to and including January 1996, the Respondent has been under the care of various physicians for recurrent medical reasons. During this time period the Respondent has received and/or attempted to receive prescriptions for controlled substances from these physicians. Medical records of these physicians lack documentation that the Respondent informed or timely informed the physicians of her alcohol/substance abuse history. (Respondent's Exhibit A-3) (Hearing Transcript, January 17, 1996, pp. 60-76, 85-89)

DISCUSSION AND CONCLUSIONS

In consideration of the above Findings of Fact, the following conclusions are rendered:

Leslie Silverstein held a valid Licensed Practical Nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges sufficiently provided legal notice as mandated by the General Statutes of Connecticut §4-177, §4-182 and §19a-17. The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19-2a-1 through §19-2a-30 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

PARAGRAPH 3 of the Statement of Charges alleges that during April and May 1994, while working as a licensed practical nurse at Hartford Hospital, Hartford, Connecticut, the Respondent:

- a. diverted Demerol from Hartford Hospital;
- b. abused and/or utilized to excess said medication;
- c. failed to completely, properly and/or accurately document medical or hospital records; and/or
- d. falsified one or more Controlled Substance Receipt Records."

The Respondent admits these charges. (Answer: Respondent's Exhibit 1-A)

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (2) illegal conduct, incompetence or negligence in performing usual nursing functions... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...."

Based on its findings and the Respondent's admission, the Board concludes that the Respondent's conduct as alleged in Paragraphs 3 of the Statement of Charges is proven and that said conduct constitutes violations of the General Statutes of Connecticut §20-99(b)(2) and (5). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

In determining appropriate sanctions in this matter the Board may consider, in addition to the charges upon which there is a finding of guilt, any evidence presented during the hearing which is relevant to the Respondent's ability to practice nursing in accordance with the accepted standards of the nursing profession.

Evidence presented during the hearing indicates there are numerous episodes subsequent to the initiation of substance abuse treatment, in which the Respondent has obtained and/or requested prescriptions for controlled substances from physicians. The evidence further indicates the Respondent failed to inform the prescribing physicians and/or failed to inform the physicians in a timely fashion of her substance abuse history. The Board concludes the Respondent lacks an understanding of her addiction and lacks a commitment to her recovery.

ORDER

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. For Paragraph 3 of the Statement of Charges, the Respondent's licensed practical nurse license, No. 024448 be revoked.
2. Revocation shall become effective on the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs the Respondent, Leslie Silverstein, and the Department of Public Health of the State of Connecticut of this decision.

The Respondent, Leslie Silverstein, is hereby directed to immediately surrender Licensed Practical Nurse License No. 024448, to the Board of Examiners for Nursing, Department of Public Health, 410 Capitol Avenue, MS #12NUR, PO Box 340308, Hartford, Connecticut, 06134-0308

Dated at Hartford, Connecticut this 24th day of July, 1996.

BOARD OF EXAMINERS FOR NURSING

By Nancy L. DeFundo

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